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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,831	11/29/2001	Sung-Ho Park	JCLA8510	4669

7590

10/16/2003

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EXAMINER

TORRES VELAZQUEZ, NORCA LIZ

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 10/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/997,831

Applicant(s)

PARK, SUNG-HO

Examiner

Norca L. Torres-Velazquez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The 112, first paragraph and second paragraph, rejections of claims 1-5 have been withdrawn in view of Applicant's amendment filed on June 18, 2003.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by SPENGLER et al. (US 5,709,925).

SPENGLER et al. discloses a multi-layered laminated body that can be used as an interior trim panel in a motor vehicle. The panel includes a substrate, a foam intermediate layer, and a decorative surface layer. The substrate preferably includes three layers, namely a core layer including a natural fiber filler material embedded in a thermoplastic matrix material, and two cover layers comprising natural fibers, glass fibers or polyester fibers in a thermoplastic matrix material. The thermoplastic matrix material is preferably polypropylene. (Abstract) In Figure 1, the reference shows a multi-layered panel 1 that includes a support layer or substrate 4, and an intermediate layer 3 and a decorative surface layer 2. (Column 4, lines 30-35) The reference teaches the use of fibrous filler material 5 in the substrate core layer 7, preferably a natural fiber material such as jute. The fibrous material 11 of the cover layers 8 and 9 may also comprise natural fibers. The thermoplastic material 6 of the core layer 7 as well as the thermoplastic material 10 of the two cover layers 8 and 9 is preferably polypropylene. The

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polypropylene material is preferably a fibrous polypropylene material. (Column 4, lines 59-67 through Column 5, lines 1-8) The reference further teaches that the core layer 7 of the substrate 4 comprises thermoplastic matrix material 6 and filler material 5 in a ration within the range from 30:70 to 70:30. On the other hand, for example, the cover layers 8 and 9 have a content ratio of the thermoplastic matrix material 10 relative to the glass fibers 11 of about 70:30. (Column 5, lines 19-30) The reference also teaches that the intermediate layer 3 is a plastic foam material or the like. (Column 4, lines 41-43)

It is noted that the invention of the SPENGLER et al. reference reads on the present claims because it provides layers that include jute fibers and polypropylene fibers at a ratio within the range from 30:70 to 70:30, and the reference also provides a foaming material adhered to one side of these. The Examiner equates the layers of the substrate of SPENGLER et al. to the mat units of the present invention, and the intermediate layer of SPENGLER et al. to the foaming resin of the present invention.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over SPENGLER et al. as stated above.

SPENGLER et al. teaches a multi-layered panel for use as a self-supporting automobile interior panel such as ceiling headliners. (Column 2, lines 7-12). It is noted that SPENGLER et al. teaches that the specific material to be used in a particular application can be selected depending upon the desired characteristics of the finished multi-layered panel. (Column 4, lines 64-66)

Applicant's ranges for the limitation of fiber diameter and length are broad and encompass typical values that are found in the prior art. Further each of the elements are recognized as result effective variables in this field of endeavor and it has been held that discovering optimum values would have been or result effective variables involves only routine experimentation.

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the multi-layered panel and provide with fibers of specific diameter and length, and also with specific weight per area of the foaming resin with the motivation of providing a panel that is stable and resistant to degradation of its mechanical properties as disclosed by SPENGLER et al. (As disclosed above, and further refer to Column 2, lines 7-12).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 703-306-5714. The examiner can normally be reached on Monday-Thursday 8:00-4:00 pm..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

NLT

October 6, 2003

Elizabeth M. Cole
ELIZABETH M. COLE
PRINCIPAL EXAMINER